

## STIPULATIONS

The stipulations as specifically set forth in the Award of the Administrative law Judge are herein adopted by the Appeals Board.

### ISSUES

- (1) Whether claimant suffered accidental injury arising out of and in the course of his employment with respondent on the dates alleged.
- (2) The nature and extent of claimant's injury and or disability.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board finds that the Award of the Administrative Law Judge properly sets out the findings of fact and conclusions of law in great detail and it is not necessary to repeat same herein. The Appeals Board specifically finds that claimant has failed to prove by a preponderance of the credible evidence that the degenerative arthritis in his hips and the resulting need for surgery was either caused, aggravated or accelerated by a series of micro-traumas as alleged, or that same arose out of and in the course of his employment with the respondent.

Having reviewed the entire record, the Appeals Board finds the findings and conclusions enumerated in the Award of the Administrative Law Judge are accurate and appropriate and the Appeals Board adopts same as its own finding as if specifically set forth herein.

### AWARD

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge James R. Ward, dated February 10, 1995, should be, and hereby is affirmed in all respects and claimant is denied award against the respondent, Goodyear Tire & Rubber Co., and its insurance carrier, Travelers Insurance Company.

Fees necessary to defray the administration of the Workers Compensation Act are to be paid by the respondent and its insurance carrier as follows:

Braksick Reporting Service	\$152.50
Gene Dolginoff Associates, Ltd.	\$310.90
Appino & Biggs Reporting Service	\$460.00

### **IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July 1995.

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BOARD MEMBER

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BOARD MEMBER

c: David Alegria, Topeka, Kansas  
Bret Owen, Topeka, Kansas  
James R. Ward, Administrative Law Judge  
David A. Shufelt, Acting Director